

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

SERVICE ONE LLC

Debtor

Case No. 22-40503

Chapter 11

(Subchapter V)

**APPLICATION TO EMPLOY
LAIN, FAULKNER & CO., P.C. AS ACCOUNTANTS**

Your rights may be affected by the relief sought in this pleading. You should read this pleading carefully and discuss it with your attorney if you have one in this bankruptcy case. If you oppose the relief sought by this pleading, you must file a written objection, explaining the factual and/or legal basis for opposing the relief.

No hearing will be conducted on this Application unless a written objection is filed with the Clerk of the United States Bankruptcy Court and served upon the party filing this pleading **WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE** shown in the certificate of service unless the Court shortens or extends the time for filing such objection. If no objection is timely served and filed, this pleading shall be deemed to be unopposed, and the Court may enter an order granting the relief sought. If an objection is filed and served in a timely manner, the Court will thereafter set a hearing with appropriate notice. If you fail to appear at the hearing, your objection may be stricken. The Court reserves the right to set a hearing on any matter.

TO THE HONORABLE BRENDA T. RHOADES, U.S. BANKRUPTCY JUDGE:

COMES NOW Mark A. Weisbart, Subchapter V Trustee (the "Trustee") in the above-referenced bankruptcy case, and files this his Application to Employ Lain, Faulkner & Co., P.C. as Accountants (the "Application") pursuant to 11 U.S.C. § 327 (the "Bankruptcy Code") and respectfully shows the Court the following:

JURISDICTION

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334.

This Application is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

2. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409 since the Debtor was formed under the laws of the State of Texas and is domiciled in the entire state of Texas

BACKGROUND

3. On April 21, 2022, Service One, LLC (the “Debtor”) filed a voluntary petition in this Court under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, et seq.

4. On or about April 28, 2022, this Court entered an Order removing the Debtor from possession and authorizing Subchapter V Trustee to operate the business of the Debtor. Mark A. Weisbart is the duly appointed Trustee.

REQUEST FOR RELIEF

5. The Trustee now makes this Application pursuant to Section 327 of the Bankruptcy Code in order to seek the employment of Lain, Faulkner & Co., P.C. (“LainFaulkner”) as accountants for the Trustee and to perform those services fully described in the affidavit of Kelly McCullough, attached hereto as Exhibit “A” and incorporated herein by reference.

6. LainFaulkner has extensive experience in all aspects of accounting issues particular to reorganization and liquidation bankruptcy cases. The Trustee requires the accounting services of LainFaulkner in order to carry out his duties and responsibilities under the Bankruptcy Code.

SERVICES TO BE PROVIDED

7. The Trustee desires to employ LainFaulkner to perform the following accounting services.

- a) Assist the Trustee in the analysis of tax and taxation issues and in the filing of any necessary information and compliance forms regarding taxes;
- b) Perform all other accounting services and provide all other financial advice to the Trustee in connection with this case as may be required or necessary; and
- c) Testify at any hearings and/or trials as to one or more of the matters set forth above as is determined to be necessary and/or appropriate.

8. Subject to this Court's approval of the Application, LainFaulkner is willing to serve as the Trustee's accountants and to perform the services described above.

9. Payment for services will be made only after notice and hearing pursuant to Section 330 of the Bankruptcy Code.

COMPENSATION AND REIMBURSEMENT

10. The professionals presently designated to represent the Applicant and their current standard hourly rates are:

<u>Professional/Paraprofessional</u>	<u>Hourly Rate</u>
Directors	\$385 - \$500
Accounting Professionals	\$210 - \$325
IT Professionals	\$280
Staff Accountants	\$175 - \$255
Clerical and Bookkeepers	\$80 - \$125

The hourly rates set forth above are LainFaulkner's standard hourly rates for work of this nature. LainFaulkner's rates are subject to periodic adjustment (normally at year end) to reflect economic conditions, as well as experience and other similar factors. These rates are set at a level to fairly compensate LainFaulkner for the services it provides and routine overhead expenses.

DISINTERESTEDNESS OF ACCOUNTANTS

11. Neither LainFaulkner nor its employees hold an interest adverse to the bankruptcy estate in the matters upon which they are to be engaged and are disinterested persons as the term is defined in Section 101(13) of the Bankruptcy Code except as stated in the Affidavit of Kelly McCullough.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that the Court enter an Order approving the employment of LainFaulkner as accountant for the Trustee, and for any and all further relief as this Court deems to be fair and equitable.

Respectfully Submitted,

/s/ Mark A. Weisbart

Mark A. Weisbart

Texas Bar No. 21102650

HAYWARD PLLC

10501 N Central Expy, Suite 106

Dallas, TX 75231

(972) 755-7103 Phone/Fax

mweisbart@haywardfirm.com

SUBCHAPTER V TRUSTEE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served on the parties on the attached mailing list in accordance with LBR 9013(f) either through the Court's electronic notification system as permitted by Appendix 5005 III. E. to the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Texas, or by first class United States Mail, postage prepaid on this the 10th day of May 2022.

/s/ Mark A. Weisbart

Mark A. Weisbart

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:	§	
	§	
SERVICE ONE, LLC,	§	Case No. 22-40503
	§	(Chapter 11)
Debtor.	§	

**AFFIDAVIT OF KELLY MCCULLOUGH IN SUPPORT OF
APPLICATION TO EMPLOY LAIN, FAULKNER & CO., P.C., AS ACCOUNTANTS**

STATE OF TEXAS	§	
	§	
COUNTY OF DALLAS	§	

ON THIS DAY appeared Kelly McCullough who, upon being duly sworn, did attest to the following:

1. “My name is Kelly McCullough, I am over the age of 18 years, and am competent and otherwise qualified to make this Affidavit. I have personal knowledge of the matters stated herein and they are all true and correct to the best of my knowledge.

2. I am a Director of the accounting firm Lain, Faulkner & Co., P.C. (“LainFaulkner”). LainFaulkner maintains offices at 400 N. Saint Paul Street, Suite 600, Dallas, Texas 75201.

3. This Affidavit is being provided in connection with the Application to Employ Lain, Faulkner & Co., P.C., as Accountants (the “Application”), filed by counsel for Mark A. Weisbart (the “Trustee”), the duly-appointed Subchapter V trustee of the Debtor’s estate, in the above-referenced case, and pursuant to 11 U.S.C. § 327(a) and Fed. R. Bankr. P. 2014(a). I have read the Application and believe all of the matters asserted therein to be true and correct.

4. LainFaulkner maintains offices in Dallas, Texas. LainFaulkner is currently comprised of approximately 23 accountants and support staff. LainFaulkner has expertise in many areas of accounting including business reorganization, bankruptcy, forensic accounting, and

claims administration.

5. The Trustee has requested that LainFaulkner render professional services at the direction of the Trustee in connection with this Chapter 11 case. The professional services, pursuant to 11 U.S.C. §327, that the Trustee requires or may need LainFaulkner to render include, but are not limited to, the following:

- a) Assist the Trustee in the analysis of tax and taxation issues and in the filing of any necessary information and compliance forms regarding taxes;
- b) Perform all other accounting services and provide all other financial advice to the Trustee in connection with this case as may be required or necessary; and
- c) Testify at any hearings and/or trials as to one or more of the matters set forth above as is determined to be necessary and/or appropriate.

6. Subject to Court approval of the Application, LainFaulkner is willing to serve as the Trustee's accountants and to perform the services described above.

7. LainFaulkner has agreed to perform such accounting services on an hourly fee basis at its standard hourly rates, and the Trustee has agreed to same subject to this Court's approval. LainFaulkner's standard rates range from the following, depending on the personnel assigned:

<u>Professional/Paraprofessional</u>	<u>Hourly Rate</u>
Directors	\$385 - \$500
Accounting Professionals	\$210 - \$325
IT Professionals	\$280
Staff Accountants	\$175 - \$255
Clerical and Bookkeepers	\$80 - \$125

8. LainFaulkner's rates are subject to periodic adjustment (normally at year end) to reflect economic conditions, as well as experience and other similar factors.

9. LainFaulkner has not received any promise as to compensation in connection with the representation other than as set out above.

10. The members of LainFaulkner (i) do not have any connection with the Debtor, its

creditors, or any other party in interest or their respective attorneys and accountants, (ii) do not have any connection with the United States Trustee or any person employed by the Office of the United States Trustee, (iii) are ‘disinterested persons,’ as defined in § 101(14) of the Bankruptcy Code, and (iv) do not hold or represent any interest adverse to the Debtor’s estate.


11. In preparing this Affidavit, I have reviewed, or caused to be reviewed, the records of LainFaulkner to determine whether LainFaulkner has any connections with the known parties in interest in this case, or any of their known attorneys and accountants. I do not believe that LainFaulkner has any such connections.

12. As part of its diverse practice, LainFaulkner is involved in numerous proceedings and transactions that involve many different professionals, including attorneys, brokers, and financial consultants, who may represent claimants and parties in interest in the Debtor’s chapter 7 case. Also, LainFaulkner has performed in the past, and may perform in the future, services for various attorneys and law firms, and has been represented by several attorneys and law firms, some of whom may be involved in this proceeding. LainFaulkner has previously worked, may currently work, and will likely in the future be working with or against other professionals involved in this case in matters unrelated to the Debtor and this case. Based on our current knowledge of the professionals involved, and to the best of my knowledge, none of these relationships create interests materially adverse to the Debtor in matters upon which LainFaulkner is to be employed, and none are in connection with this case.

13. Based on the foregoing, I believe LainFaulkner and its members to be “disinterested persons” for purposes of § 101(14) of the Bankruptcy Code. To the extent that LainFaulkner discovers any facts bearing upon the matters described herein or its engagement by the Trustee, LainFaulkner will promptly supplement the information contained in this Affidavit to disclose such information.

14. To the best of my knowledge, the information contained herein is true and accurate.”

FURTHER AFFIANT SAYETH NOT.



Kelly McCullough

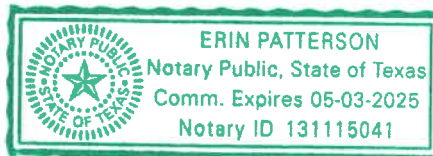
SUBSCRIBED AND SWORN TO BEFORE ME this 6 day of May 2022, to certify which witness my hand and official seal.



NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

My Commission Expires:

5.3.2025



Label Matrix for local noticing
0540-4
Case 22-40503
Eastern District of Texas
Sherman
Tue May 10 06:57:22 CDT 2022

7 Sky Roofing
Attn: Brendan O'Connor
6302 Windcrest Drive, #925
Plano, TX 75024-3013

ADR Plumbing Co.
Attn: Paul Brake
3324 Welch Lane
Sachse, TX 75048-3187

William Todd Albin
5665 Dallas Parkway, Suite 200
Frisco, TX 75034-7373

American Express
PO Box 981535
El Paso, TX 79998-1535

Arbor Contract Carpet, Inc.
PO Box 675096
Dallas, TX 75267-5096

James S. Brouner
Hayward PLLC
10501 N Central Expy, Suite 106
Dallas, TX 75231-2203

Creations Granite & Marble
1726 Oldfield Dr.
Dallas, TX 75217-1433

Michael Durrschmidt
1415 Louisiana, 36th Floor
Houston, TX 77002-7360

Ferguson
PO Box 847411
Dallas, TX 75284-7411

Fix It Right Plumbing
PO Box 1201
Burleson, TX 76097-1201

Glass FX, LLC
1671 Riverview Dr.
Colony, TX 75056-4813

Hernandez Multi Contracting LLC
4801 Keller Springs Rd.
Addison, TX 75001-5912

Home Depot Credit Services
PO Box 790340
St. Louis, MO 63179-0340

Jesus Contreras
900 Via Balboa
Mesquite, TX 75150-3014

Jose Portillo
2901 Runnels St.
Fort Worth, TX 76106-7459

M S International, Inc.
12845 Valley Branch Lane
Farmers Branch, TX 75234-5813

MFS Supply
31100 Solon Road, Suite 16
Solon, OH 44139-3463

Brandi J. McKay
Brown Fox PLLC
6303 Cowboys Way
Suite 450
Friso, TX 75034-1956

Morosco Supply
PO Box 841183
Dallas, TX 75284-1183

Christopher J. Moser
Quilling Selander Lownds Winslett Moser
2001 Bryan Street
Suite 1800
Dallas, TX 75201-3070

Faizan (Frank) S. Patel
Quilling Selander Lownds Winslett Moser
2001 Bryan Street
Ste 1800
Dallas, TX 75201-3070

Marcus Salitore
US Trustee Office
110 N. College Ave., Room 300
Tyler, TX 75702-7231

Patrick J. Schurr
Scheef & Stone, L.L.P.
2600 Network Boulevard
Suite 400
Frisco, TX 75034-6010

Service One, LLC
4801 Keller Springs Road
Addison, TX 75001-5912

Sherwin Williams (6288-6)
909 Gross Road
Mesquite, TX 75149-2100

Sherwin Williams (7487-2)
909 Gross Road
Mesquite, TX 75149-2100

Laurie A. Spindler
Linebarger, Goggan, Blair & Sampson
2777 N. Stemmons Frwy Ste 1000
Dallas, TX 75207-2328

Star Window Coverings LLC
2030 East Arbrook Blvd., Ste. 180
Arlington, TX 76014-3798

Trash Chomper LLC
4801 Keller Springs Road
Addison, TX 75001-5912

US Trustee
Office of the U.S. Trustee
110 N. College Ave.
Suite 300
Tyler, TX 75702-7231

Mark A. WEISBART (SBRA V)
Document Page 10 of 10
Subchapter V Trustee
10501 N Central Expy Suite 106
Dallas, TX 75231-2203

(p)MARK A WEISBART
ATTN THE LAW OFFICE OF MARK A WEISBART
10501 N CENTRAL EXPY SUITE 106
DALLAS TX 75231-2203

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Mark A. Weisbart
Chapter 7 Bankruptcy Trustee
10501 N Central Expy Suite 106
Dallas, TX 75231-2203

(d)Mark A. Weisbart
Hayward PLLC
10501 N Central Expy Suite 106
Dallas, TX 75231-2203

End of Label Matrix	
Mailable recipients	32
Bypassed recipients	0
Total	32